IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Revision No. 19 of 2006

Wing Commander Maharaj Singh & others

…… Revisionists

Versus

Hari Chand and others

…… Respondents

Mr. Arvind Vashishth, learned counsel for the revisionists.
None for the respondents.

Hon. Prafulla C. Pant, J.

Heard learned counsel for the revisionists.

2) This revision is directed against the order dated 30.01.2006, passed in Misc. Case No. 71 of 2004, whereby the trial court has rejected the application for review of order dated 18.08.2004, passed in Original Suit No. 278 of 1988, between the parties.

3) The order dated 18.08.2004 shows that plaintiff wanted the suit to be decided in terms of compromise paper No. 19-C, which appears to have been signed on 29.07.1988 and presented before the Court on 02.09.1988. From the perusal of the order, it appears that defendant did not verify the compromise, as such, the trial court proceeded on merits. Vide order dated 18.08.2004, the trial court finally rejected the compromise paper No. 19-C on the ground that the defendants have refused to verify said compromise and they

have further stated that their signatures were obtained in said paper fraudulently.

4) In the opinion of this Court, in passing the aforesaid order dated 18.08.2004, and rejecting the review application to review said order, neither the trial court has exercised any jurisdiction which was not vested in it, nor have refused to exercise any jurisdiction which was vested in it, nor is there any material illegality, which requires interference in the impugned order.

5) Therefore, for the reasons as discussed above, the revision is dismissed in limine.

(Prafulla C. Pant, J.)

Dt. March 24, 2006.
H. Negi